

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Time Warner Cable's Petition For)	
Preemption Regarding the South)	WC Docket No. 06-54
Carolina Public Service Commission's)	
Denial of a Certificate of Public)	
Convenience and Necessity)	

In the Matter of)	
)	
Time Warner Cable's Petition For)	WC Docket No. 06-55
Declaratory Ruling That Competitive)	
Local Exchange Carriers May)	
Obtain Interconnection To Provide)	
Wholesale Telecommunications Services)	
To VoIP Providers)	

MOTION FOR EXTENSION OF TIME

Pursuant to Section 1.46 of the Commission's rules,¹ the South Carolina Coalition ("Coalition") (see list of Coalition companies attached hereto as "Attachment A") respectfully requests an extension of time for filing comments in response to the invitation of the Federal Communications Commission ("FCC" or "Commission") to comment on a petition filed by Time Warner Cable ("TWC") requesting preemption of the South Carolina Public Service Commission's decision to deny its application for a certificate of public convenience and necessity ("CPCN") for certain areas in South Carolina served by rural local exchange carriers

¹ 47 C.F.R. §1.46

(“LECs”) (“Preemption Petition”)² and on a petition filed by TWC seeking a declaratory ruling that competitive LECs are entitled to interconnect with incumbent LECs for the purpose of exchanging traffic on behalf of VoIP-based providers (“Declaratory Ruling Petition”).³ The Coalition is comprised of rural LECs that serve areas in South Carolina, some of which are referenced in TWC’s Petitions. Because the issues raised in the Petitions have significant implications for these companies, the Coalition will be submitting comments and actively participating in these proceedings.

In the Preemption and Declaratory Ruling Public Notices, the Commission determined that initial comments in both proceedings would be due March 27, 2006, thereby allowing only 21 days for parties to comment. The Preemption Petition raises several important issues of state and federal authority which are all very complex. Among these issues are TWC’s assertions that the South Carolina Public Service Commission’s decision violates Section 253 of the Act and that the refusal to grant TWC a CPCN has the effect of preventing it from being able to obtain interconnection agreements with rural LECs.⁴ In order to adequately prepare and address these complex issues, more than the 21-day allocation is necessary. Accordingly, the Coalition respectfully requests the Commission to extend the time for filing comments an additional 30 days.

² *Pleading Cycle Established For Comments on Time Warner Cable’s Petition For Preemption Regarding the South Carolina Public Service Commission’s Denial of a Certificate of Public Convenience and Necessity*, WC Docket No. 06-54, Public Notice, DA 06-535 (rel. Mar. 6, 2006) (“Preemption PN”).

³ *Pleading Cycle Established For Comments on Time Warner Cable’s Petition For Declaratory Ruling That Competitive Local Exchange Carriers May Obtain Interconnection To Provide Wholesale Telecommunications Services To VoIP Providers*, WC Docket No. 06-55, Public Notice, DA 06-534 (rel. Mar. 6, 2006) (“Declaratory Ruling PN”).

⁴ *See* Preemption PN at 1.

Likewise, the Declaratory Ruling Petition raises issues of importance to the Coalition and all telecommunications carriers that are very complex. The Declaratory Ruling Petition cites specific cases in South Carolina and Nebraska, and references decisions in a number of other states. In order to adequately prepare and address these complex issues, including addressing the case-specific facts in the various state proceedings, more than the 21-day allocation is necessary. Accordingly, the Coalition respectfully requests the Commission to extend the time for filing comments an additional 30 days.

The Coalition recognizes that extensions of time are not routinely granted. However, the Coalition submits the public interest would be served by granting the requested extension of time in these proceedings. The Coalition notes that the Wireline Competition Bureau extended the deadline for filing comments on a petition filed by Western Wireless Corporation (“WWC”) which sought preemption of a South Dakota Public Utilities Commission’s decision.⁵ Because the Preemption Petition involves a request to preempt a state commission ruling, it is of high importance to the citizens of South Carolina.

The Coalition also notes that the Wireline Competition Bureau initially established a 60 day comment deadline on a petition to forbear from Section 251 and Section 252 duties and then extended that deadline an additional 24 days.⁶ In the ACS PN, the Commission found that granting the extension was in the public interest because “other parties will benefit equally from an extension of the comment deadline” and that extending the deadline “will enable the

⁵ See, *Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, 14 FCC Rcd 13175 (1999) (“WWC PN”).

⁶ See, *Wireline Competition Bureau Grants Request for Extension of Time To File Comments on Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended, For Forbearance From Sections 251(c)(3) and 252(D)(1) in the Anchorage LEC Study Area*, WC Docket No. 05-281, Public Notice, DA 05-3145 (rel. Dec. 5, 2005) (“ACS PN”). In the ACS PN, the Commission cites the initial Public Notice which was released October 14, 2005 establishing a comment date of December 13, 2005 and then grants an extension for filing comments until January 9, 2006. *Id.* at 1.

Commission to obtain a more complete and well-developed record in this proceeding.”⁷ Because the Declaratory Ruling proceeding also pertains to Section 251 and Section 252 duties and involves matters that are fact-specific in multiple states, for similar reasons it would be in the public interest to extend the comment deadline by 30 days. Such action by the Commission would ensure development of a full record regarding the important issues raised by the Declaratory Ruling Petition.

Accordingly, it would be in the public interest to extend the comment deadline by 30 days – making a total of 51 days for initial comments in these proceedings. Such action by the Commission would ensure development of a full record regarding the important issues raised by the Petitions.

For the foregoing reasons, the Coalition requests that the date for filing initial comments be extended by 30 days to April 26, 2006 and that the date for filing reply comments be extended to May 11, 2006 in these two proceedings.

Respectfully submitted,

/s/ M. John Bowen, Jr.
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March 16, 2006

⁷ *Id.*

ATTACHMENT A

South Carolina Telephone Coalition Member Companies

Bluffton Telephone Company, Inc.
Chesnee Telephone Company
Chester Telephone Company
Farmers Telephone Cooperative, Inc.
Ft. Mill Telephone Company, d/b/a Comporium Communications
Hargray Telephone Company, Inc.
Home Telephone Company, Inc.
Horry Telephone Cooperative, Inc.
Lancaster Telephone Company, d/b/a Comporium Communications
Lockhart Telephone Company
McClellanville Telephone Company
Norway Telephone Company
Palmetto Rural Telephone Cooperative, Inc.
Piedmont Rural Telephone Cooperative, Inc.
PBT Telecom
Ridgeway Telephone Company
Rock Hill Telephone Company, d/b/a Comporium Communications
Sandhill Telephone Cooperative, Inc.
St. Stephen Telephone Company
West Carolina Rural Telephone Cooperative, Inc.
Williston Telephone Company

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Extension of Time was served this 16th day of March, 2006, by e-mailing true and correct copies thereof to the following persons:

Janice Myles
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Renee Crittendon, Chief
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I hereby certify that the foregoing Motion for Extension of Time was served this 16th day of March, 2006, by mailing true and correct copies thereof, postage prepaid, to the following persons:

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/s/ Marty Kluh

Marty Kluh